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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

DEC 21 1955

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Streamlining the Commission's Antenna)
Structure Clearance Procedure)
and)
Revision of Part 17 of the Commission's)
Rules Concerning Construction, Marking,)
and Lighting of Antenna Structures)

WT Docket No. 95-5

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COMMENTS OF MICRO TV, INC.

Micro TV, Inc. (Micro TV) opposes the Commission's proposed adoption of rules to implement a registration program for the owners of antenna structures, for the following reasons:

1. Micro TV owns three towers, located in Philadelphia and Sellersville, Pennsylvania and Atlantic City, New Jersey. Micro TV marks, lights, and maintains the towers in accordance with FAA requirements. It complies with local zoning laws and ordinances. So long as it does so, it is not subject to action by the Commission by virtue of its tower ownership. While Congress has acted to give the Commission limited jurisdiction over tower owners which rent to radio licensees, it has not mandated a registration program. At a time of attempted reduction in government regulation, creation of a whole new regulatory scheme is inappropriate and would not be in the public interest.

2. All of the salient information which the Commission proposes to require tower owners to file is already on file with the FAA and with the FCC. The problem here is simply that the two agencies have apparently not been able to communicate with each

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other. That problem does not suggest the need for a whole new layer of regulation. If the Commission needs a "common database" for towers to facilitate regulation of radio licensees, it can readily compile such a database from filings by its licensees and through liaison with the FAA. The Commission's analysis of the distribution of the burden involved in maintaining tower records, at paragraph 7 of the NPRM, is fundamentally flawed. While the Commission states that the "public" will face a lesser net filing burden by imposing filing requirements on tower owners rather than licensees, it overlooks the obvious fact that the burden would be shifted from licensees -- the portion of the public seeking something of value from the Commission -- to tower owners, who seek nothing from the Commission.

3. Towers which support radio antennas constitute only a small portion of the total number of towers and other potential hazards to aeronautical navigation. Moreover, many structures which support antennas do so incidentally, with their primary function as, for example, buildings, water tanks, or bridges, often not requiring FAA approval. There is no reason to single out tower owners for special responsibilities and regulation. In fact, the proposed action may discourage the construction of new structures, and some structure owners for which radio rentals are marginal may well be discouraged from renting for such uses at all.

4. The problem of multiple filings by Commission licensees which occupy a common tower can easily be solved without creating a new bureaucracy with sweeping new regulations. Make one

Commission licensee (the first in, the last in, or one chosen through any arbitrary formula) responsible for tower filings. Then the burden will at least remain on a licensed party. And in any event, there is absolutely no rationale for the imposition of registration fees on tower owners, as suggested at paragraph 16(e). The Commission should more logically be proposing instead to pay tower owners for gratuitously imposing a new burden on them.

For all of these reasons, Micro TV urges the Commission to reconsider the scope of its authority in this area and the wisdom of establishing a new, burdensome regulatory scheme at a time of diminished governmental resources.

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